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DATE: February 9, 2004

TO: TC Art Unit: 2873
 Confirmation No. 9252

Fax No.: (703) 872 9306

FROM: Beverly E. Hjorth

No. of pages transmitted
 (including this page): 18

Our File: MIOPT-010XX

Time:

Your Ref:

Application No. 10/656,905
 Filed Date: September 5, 2003

Sent by: Debbi

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 MESSAGE

PLEASE DELIVER DIRECTLY TO:
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FOR ENTRY

Enclosed for filing please find: Amendment Transmittal Sheet,
 Preliminary Amendment

The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional
 filing fees associated with this communication or credit any overpayment.

Beverly E. Hjorth
 Attorney for Applicant: Beverly E. Hjorth
 Registration No. 32,033

3017

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Application No.: 10/656,905
Filed: September 5, 2003
TC Art Unit: 2873
Confirmation No.: 9252

Rev 12/03

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP

**Ten Post Office Square
Boston, Massachusetts 02109
Telephone: (617) 542-2290
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Date: February 9, 2004

Via Facsimile
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney
Docket No.: MIOPT-010XX

Sir:

In re application of: **MARK B. SPITZER ET AL.**

Entitled: **BINOCULAR VIEWING SYSTEM**

Transmitted herewith is an preliminary amendment in the above-identified application. The following checked items are applicable:

[] This is a Request for Continued Examination under §1.114; authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$_____) per §1.17(e).
[] Enter the unentered amendment previously filed on _____ per §1.116.

[] A Petition for Extension of Time for ____ month is hereby made under §1.136(a); authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$_____) per §1.17.

[X] In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.

[] _____ is hereby appointed Associate Attorney by:
Registration No.: _____

is hereby appointed Associate Attorney by:

Registration No.:

Attorney of Record:

Registration No.:

Other:

CLAIMS AFTER AMENDMENT:	MINUS PRIOR PAID CLAIMS:	EQUALS PRESENT EXTRA CLAIMS:	RATE:	ADDITIONAL FEE:
Independent	4 - 4	= 0	x \$86.00 =	0
Total	87 - 87	= 0	x \$18.00 =	0
[] Multiple Dependent Claims (1st presentation)			+ \$290.00 =	0
TOTAL ADDITIONAL FEE				0
Small Entity filing, divide by 2. Small Entity status must be asserted.				0
TOTAL ADDITIONAL FEE				0

No additional fee. The fee has been calculated above; authorization is provided herewith to charge Deposit Account No. 23-0804 (\$) for the cost of same.

The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to TC Art Unit 2873, Fax N . (703) 872 9306, on

February 9, 2004

Beverly E. Hjorth
Attorney of Record: Beverly E. Hjorth

SUBMIT IN TRIPPLICATE

FEB 09 2004

PATENT

Rev 12/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

In re application : Mark B. Spitzer et al.
Application No. : 10/656,905
Filed : September 5, 2003
Confirmation No. : 9252
For : BINOCULAR VIEWING SYSTEM
Examiner :
Attorney's Docket : MIOPT-010XX

TC Art Unit: 2873

I hereby certify that this correspondence is being sent via facsimile to TC Art Unit 2873, Fax No. (703)872 9306, on

February 9, 2004

By: Beverly E. Hjorth
Beverly E. Hjorth
Registration No. 32,033
Attorney for Applicants

PRELIMINARY AMENDMENT

Via Facsimile
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Siri:

Please amend the above-identified patent application as follows.